

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

3COM CORPORATION,

Plaintiff,

v.

CAPITAL 4, INC., et al.,

Defendants.

Civ. No. 07-Civ.-8707(JSR) (JDF)

**NOTICE OF PLAINTIFF'S MOTION FOR  
CONTEMPT AND FOR A  
DETERMINATION  
THAT CAPITAL 4 HAS WAIVED  
ATTORNEY-CLIENT PRIVILEGE**

PLEASE TAKE NOTICE that Plaintiff, 3Com Corporation ("3Com") today filed and served a Motion for Contempt and for a Determination that Capital 4 has Waived Attorney-Client Privilege, seeking an order finding: (1) that Defendant Capital 4, Inc. ("Capital 4"), its (former) counsel Simon H. Hughes and The Hughes Law Firm, P.C. are in contempt of the Stipulated Temporary Restraining Order and Preliminary Injunction issued by the Court on November 2, 2007 in connection with the above-captioned action; and (2) that Capital 4 has waived the attorney-client privilege in connection with its business involving the Power of \$Zero program.

3Com filed and served its Motion and the accompanying Memorandum in Support and Affidavit of Counsel on May 9, 2008. Pursuant to the Court's order, answering papers shall be filed and served on Friday, May 16, 2008, and replies shall be filed and served on Wednesday, May 21, 2008. All interested parties shall together telephone Judge Rakoff's chambers on Tuesday, May 27, 2008 at 12:00 p.m.

Respectfully submitted,

/s/ Daniel E. Rosenfeld  
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*Counsel for Plaintiff 3Com Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of May, 2008, a true and correct copy of the foregoing document was served using the Court's CM/ECF system, with electronic notification of such filing to all counsel of record.

I also certify that on this date the foregoing was served, via electronic mail and via United Parcel Service, on the following:

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/s/ Eileen E. Pott  
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